

Message Text

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ORIGIN IO-14

INFO OCT-01 ISO-00 L-03 EB-11 AF-10 ARA-16 EA-11 EUR-25

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TRSE-00 CIAE-00 INR-10 NSAE-00 DODE-00 COA-02 INT-08

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK PRIORITY

UNCLAS STATE 236386

E.O. 11652: N/A

TAGS: ECOSOC UNGA

SUBJECT: 28TH GA: SECOND COMMITTEE: ITEM 12, PERMANENT

SOVEREIGNTY OVER NATURAL RESOURCES DRAFT

RESOLUTION 1328 OF 29TH NOVEMBER

REF: USUN 5263

1. UNLESS SATISFACTORY CHANGES MADE IN CONNECTION WITH
OBJECTIONS LISTED BELOW, YOU SHOULD ABSTAIN IN VOTE ON
SUBJECT RESOLUTION.

2. IF AN EXPLANATION OF OUR VOTE SEEMS APPROPRIATE, YOU
SHOULD NOTE THAT USG HAS ALWAYS SUPPORTED CONCEPT OF
PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES. THIS IS SET
FORTH IN MOST BALANCED FORM IN GA RESOLUTION 1803, WHICH
WE SUPPORTED AND WHICH RECOGNIZED THAT SOVEREIGNTY OVER
NATURAL RESOURCES IS TO BE EXERCISED IN ACCORDANCE WITH
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INTERNATIONAL LAW. WE DO NOT BELIEVE THAT RESOLUTIONS

ON SUBJECT SINCE 1803, INCLUDING CURRENT ONE, MAINTAIN THAT BALANCE. THIS LATEST ONE IS PARTICULARLY ONE-SIDED IN PROTECTING RIGHTS OF COUNTRIES WHERE NATURAL RESOURCES LOCATED WHILE IGNORING THOSE OF COUNTRIES HAVING CONTRACTUAL ARRANGEMENTS RELATED TO THOSE NATURAL RESOURCES.

3. FOLLOWING ARE MORE SPECIFIC OBJECTIONS:

(A) E/5425 IS NOT SATISFACTORY STUDY OF PERMANENT SOVEREIGNTY, BUT IS MERELY SUMMARY OF EXPERIENCE AND VIEWS OF 20 COUNTRIES, ALMOST ALL OF WHICH ARE IN DEVELOPING CATEGORY. WE DID NOT BELIEVE THAT DOCUMENT WAS SOUND BASIS FOR ECOSOC DISCUSSION AND HAVE REACHED SAME CONCLUSION IN CONNECTION WITH GA CONSIDERATION OF SUBJECT.

(B) IN OPERATIVE PARA NO. 1, PHRASE "IN SUPERJACENT WATERS" SHOULD BE ELIMINATED. OUR VIEWS ON THIS SUBJECT ARE WELL-KNOWN, BUT CAN BE SUMMARIZED BY NOTING THAT ITS USE WOULD LEND SUPPORT TO COASTAL STATE CLAIMS OF SOVEREIGNTY OVER RESOURCES IN WATERS ABOVE CONTINENTAL SHELF. SUBJECT CAN MORE PROPERLY BE CONSIDERED IN LAW OF THE SEA CONFERENCE.

(C) IN OPERATIVE PARA NO. 3, PHRASE "CONTRARY TO INTERNATIONAL LAW" SHOULD BE ADDED AFTER WORD "COERCION".

(D) IN OPERATIVE PARA NO. 5, LAST PHRASE, "THE EXERCISE OF NATIONAL JURISDICTION" IS NOT PART OF FRIENDLY RELATIONS DECLARATION AND SHOULD, THUS, BE ELIMINATED. AN ALTERNATIVE WOULD BE TO SUBSTITUTE FOR THAT PHRASE WORDS "OR ITS POLITICAL, ECONOMIC AND CULTURAL ELEMENTS", WHICH ARE IN FRIENDLY RELATIONS DECLARATION.

(E) OPERATIVE PARA NO. 6 IS UNACCEPTABLE. WE HAVE LONG OPPOSED PRODUCER CARTEL PRACTICES AND HAVE STATED OUR OBJECTIONS OFTEN. AMONG RECENT EXAMPLES WERE DISCUSSION OF SUBJECT IN REVIEW AND APPRAISAL DEBATE. INSTRUCTIONS ON SUBJECT OF REGIONAL COOPERATION AMONG UNCLASSIFIED

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LDC'S ALSO APPLICABLE HERE. WE DO, HOWEVER, FAVOR APPROPRIATE PRODUCER-CONSUMER ARRANGEMENTS TO SUPPORT PRICES AT AN EQUITABLE AND REMUNERATIVE LEVEL.

(F) RE OPERATIVE PARA NO. 7, WE AGREE THAT ECOSOC IS PROPER FORUM IF THERE IS TO BE FURTHER CONSIDERATION OF SUBJECT, BUT DO NOT SEE NEED FOR FURTHER GA INVOLVEMENT. KISSINGER

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